



HW

S&H Form: (2/01)
DOCKET NO. 1454.1612

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Siegfried BIRKLE et al.

Serial No: 10/534,114

Group Art Unit: 2855

Confirmation No. 2420

Filed: May 6, 2005

Examiner: Thompson, Jewel Vergie

For: MEASUREMENT ELEMENT FOR DETERMINING FLOW RATE

COMMUNICATION TO THE EXAMINER

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

An Information Disclosure Statement was filed on May 6, 2005 in the subject application. Attached to the Notice of Allowability mailed September 7, 2006 was a copy of Form PTO-1449 for U.S. Patent Application Serial No. 11/108,753, instead of Form PTO-1449 attached to the Information Disclosure Statement submitted on May 6, 2005 in the subject application.

Attached is a Supplemental Information Disclosure Statement supplementing the Information Disclosure Statement filed May 6, 2005 by noting that U.S. Patent No. 5,533,329 (Reference AA) corresponds to German Patent Application 44 17 199 A1 (Reference AI). It is respectfully requested that the Examiner return a copy of the Form PTO-1449 submitted with the Supplemental Information Disclosure Statement, marked to indicate that the references listed therein have been considered by the Office.

Since the application has been allowed, this matter is somewhat urgent.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 10/18/06

By: Richard A. Gollhofer
Richard A. Gollhofer
Registration No. 31,106

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Attorney Docket No. 1454.1612

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Siegfried BIRKLE et al.

Application No.: 10/534,114

Group Art Unit: 2855

Filed: May 6, 2005

Examiner: Thompson, Jewel Vergie

For: MEASUREMENT ELEMENT FOR DETERMINING FLOW RATE

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure provisions of 37 CFR § 1.56, there is hereby provided certain information which the Examiner may consider material to the examination of the subject U.S. patent application. It is requested that the Examiner make this information of record if it is deemed material to the examination of the subject application.

1. Enclosures accompanying this Information Disclosure Statement are:

- 1a. ☒ Form PTO-1449.
- 1b. ☒ Copy(ies) of IDS citation(s), except for U.S. Patents and U.S. Patent Application publications.
- 1c. ☐ English language copy of a communication(s) from a foreign Patent Office or a PCT International Search Report.
- 1d. ☒ English language translation (complete, Abstract or relevant portion(s)) attached to non-English language publications as indicated on the attached Form PTO-1449.
- 1e. ☒ Explanations of Relevancy of References (ATTACHMENT 1(e), hereto) for providing a concise explanation of non-English publications.
- 1f. ☐ List of Copending Applications (ATTACHMENT 1(f), hereto).
- 1g. ☒ List of Additional Submitted Documents (ATTACHMENT 1(g), hereto).

2. ☒ This Information Disclosure Statement is filed under 37 CFR § 1.97(b):

(Check either Item 2a or 2b or 2c or 2d)

- 2a. ☐ Within three months of the filing date of a national application;
- 2b. ☐ Within three months of the date of entry of the national stage as set forth in § 1.491 in an international application.
- 2c. ☒ Before the mailing of a first Office Action on the merits; or
- 2d. ☐ Before the mailing of a first Office Action after the filing of a Request for Continued Examination under § 1.114.

3. ☐ This Information Disclosure Statement is filed under 37 CFR § 1.97(c) after the period specified in paragraph 2 above but before the mailing date of any of a Final Office Action under § 1.113, a Notice of Allowance under § 1.311 or an action that otherwise closes prosecution in the application, AND
- (Check either Item 3a or 3b; Item 3b to be checked if any reference known for more than 3 months)*
- 3a. ☐ The § 1.97(e) Statement in Item 5 below is applicable; OR
- 3b. ☐ The \$180.00 fee set forth in 37 CFR § 1.17(p) is:
- ☐ enclosed.
- ☐ to be charged to Deposit Account No. 19-3935.
4. ☐ This Information Disclosure Statement is filed under 37 CFR § 1.97(d) after the period specified in paragraph 3 above, but on or before payment of the Issue Fee, AND
- 4a. ☐ The § 1.97(e) Statement in Item 5 below is applicable; AND
- 4b. ☐ The \$180.00 fee set forth in 37 CFR § 1.17(p) is:
- ☐ enclosed.
- ☐ to be charged to Deposit Account No. 19-3935.
5. ☐ Statement under § 1.97(e) *(applicable if Item 3a or Item 4a is checked)*
- (Check either Item 5a or 5b)*
- 5a. ☐ In accordance with 37 CFR § 1.97(e)(1), it is stated that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.
- 5b. ☐ In accordance with 37 CFR § 1.97(e)(2), it is stated that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known by any individual designated in § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.
6. ☐ This is a continuation/divisional/continuation-in-part application under 37 CFR § 1.53(b).
- (Check appropriate Items 6a and/or 6b)*
- 6a. ☐ Copies of the publications listed on the attached Form PTO-1449 which were previously cited in prior application Serial No. ___, filed on ___, and which is relied on for an earlier effective filing date for the subject application under 35 U.S.C. § 120, have been omitted pursuant to 37 CFR § 1.98(d).
- 6b. ☐ Copies of the publications listed on the attached Form PTO-1449 which were not previously cited in prior application Serial No. ___, filed on ___, and which is relied on for an earlier effective filing date for the subject application under 35 U.S.C. § 120, are provided herewith.

7. ☐ This is a Request for Continued Examination under 37 CFR § 1.114.
(Check either Item 7a or 7b)
- 7a. ☐ The Issue Fee has not been paid.
- 7b. ☐ A Petition to Withdraw from issue under 37 CFR § 1.313(c) is filed concurrently herewith or has been granted. A Request for Continued Examination under 37 CFR § 1.114, after payment of the Issue Fee, is proper in accordance with 37 CFR § 1.114(a), respectively.
8. ☒ This is a Supplemental Information Disclosure Statement.
(Check either Item 8a or 8b)
- 8a. ☒ This Supplemental Information Disclosure Statement under 37 CFR § 1.97(f) supplements the Information Disclosure Statement filed on May 6, 2005. A bona fide attempt was made to comply with 37 CFR § 1.98, but inadvertent omissions were made. These omissions have been corrected herein. Accordingly, additional time is requested so that this Supplemental IDS can be considered as if properly filed on May 6, 2005.
- 8b. ☐ This Supplemental Information Disclosure Statement is timely filed within one (1) month of the Notice under 37 CFR §§ 1.97 and 1.98, mailed ____.
9. ☒ In accordance with 37 CFR § 1.98, a concise explanation of what is presently understood to be the relevance of each non-English language publication is:
(Check appropriate Items 9a, 9b, 9c and/or 9d)
- 9a. ☐ satisfied for the non-English language publication(s) cited on the enclosed "English language version of the search report or action which indicates the degree of relevance found by the foreign office". (See MPEP § 609, Minimum Requirements for an Information Disclosure Statement, Part A(3): Concise Explanation of Relevance, 8th Ed., Rev. 2)
- 9b. ☐ set forth in the application.
- 9c. ☐ satisfied for the non-English language publication(s) indicated on the attached Form PTO-1449 as having an English language translation (complete or relevant portion(s)) attached thereto.
- 9d. ☐ enclosed as Attachment 1(e), hereto.
10. No admission is made that the information cited in this Statement is, or is considered to be, material to patentability nor a representation that a search has been made (other than search report(s) from a counterpart foreign application or a PCT International Search Report, if submitted herewith). 37 CFR §§ 1.97(g) and (h).

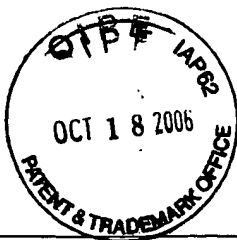
11. The Commissioner is authorized to credit any overpayment or charge any additional fee required under 37 CFR § 1.17 for this Information Disclosure Statement to Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Dated: 10/18/06
1201 New York Ave., N.W., 7th Floor
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501

By: Richard A. Gollhofer
Richard A. Gollhofer
Registration No. 31,106



Sheet 1 of 1

FORM PTO-1449	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTORNEY DOCKET NO. 1454.1612	APPLICATION NO. 10/534,114
INFORMATION DISCLOSURE STATEMENT <i>(Use several sheets if necessary)</i>		FIRST NAMED INVENTOR Siegfried BIRKLE	
		FILING DATE May 6, 2005	GROUP ART UNIT 2855

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL		DOCUMENT NO.	DATE	NAME	CLASS	SUB- CLASS	FILING DATE
	AA	5,533,329	07/09/1996	Ohyama et al.			
	AB						
	AC						
	AD						
	AE						
	AF						

FOREIGN PATENT DOCUMENTS

		DOCUMENT NO.	DATE	COUNTRY	TRANSLATION YES NO		ABSTRACT
	AG	1 220 147	06/30/1966	GERMANY		X	
	AH	195 44 011 A1	05/28/1997	GERMANY			X
	AI	44 17 199 A1	11/24/1994	GERMANY		X	
	AJ	38 16 045 A1	05/24/1989	GERMANY			X
	AL						

OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)

TRANSLATION	
YES	NO

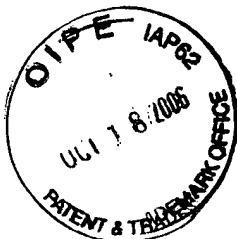
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EXAMINER	DATE CONSIDERED
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	

**ATTACHMENT 1(e)**

EXPLANATIONS OF RELEVANCY OF REFERENCES	ATTORNEY DOCKET NO.	APPLICATION NO.
	1454.1612	10/534,114
	FIRST NAMED INVENTOR	
	Siegfried BIRKLE	
	FILING DATE	GROUP ART UNIT
	May 6, 2005	2855

U.S. Patent No. 5,533,329 (Reference AA) corresponds to German Patent Application 44 17 199 A1 (Reference AI).



ATTACHMENT 1(g)

LIST OF ADDITIONAL SUBMITTED DOCUMENTS	ATTORNEY DOCKET NO.	APPLICATION NO.
	1454.1612	10/534,114
	FIRST NAMED INVENTOR	
	Siegfried BIRKLE	
	FILING DATE	GROUP ART UNIT
	May 6, 2005	2855

The following document(s) is/are listed in accordance with the duty of disclosure provisions of 37 CFR § 1.56, so that the Examiner may consider same should he deem any thereof to be material to examination of the subject application.

It is requested that the Examiner acknowledge his consideration of document(s) below-listed by initialling same in the space provided adjacent each such application and that the Examiner sign and date this form at the bottom thereof to confirm such consideration having been given.

This submission in no way represents an admission that any of the information listed herein constitutes prior art with respect to the subject application; and unless and until such prior art status is established, this submission is not a request that the information presented herein be printed on the face of any patent issuing from the subject application in which this information is being filed.

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL		DOCUMENT NO.	DATE	NAME	CLASS	SUB- CLASS	FILING DATE
	AA						
	AB						

FOREIGN PATENT DOCUMENTS

		DOCUMENT NO.	DATE	COUNTRY	CLASS	SUB- CLASS	TRANSLATION YES NO	
	AC							

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

			TRANSLATION YES NO	
	AD	German Search Report for Application No. 102 51 701.0-52 dated 27 February 2004.		X
	AE	International Search Report for Application No. PCT/DE 03/03221; dated 15 February 2005.		

EXAMINER	DATE CONSIDERED
<p>*EXAMINER: Initial if document considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.</p>	